

City Council Introduction: **Monday**, September 30, 2002  
Public Hearing: **Monday**, October 7, 2002, at **1:30 p.m.**

Bill No. 02-139

## **FACTSHEET**

**TITLE:** **STREET & ALLEY VACATION NO. 02009**, requested by NEBCO, Inc., to vacate Nighthawk Road west of N.W. 6<sup>th</sup> Street as shown on the final plat of Fallbrook Addition, generally located north of Fallbrook Blvd. and west of N.W. 6<sup>th</sup> Street.

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 09/04/02  
Administrative Action: 09/04/02

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (9-0: Carlson, Duvall, Steward, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor voting 'yes').

### **FINDINGS OF FACT:**

1. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based on the "Analysis" as set forth on p.3, concluding that the street vacation is consistent with the approved Special Permit No. 1808B, Fallbrook Community Unit Plan.
2. This application was placed on the Consent Agenda of the Planning Commission on September 4, 2002, and opened for public hearing. No one came forward to speak.
3. On September 4, 2002, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
4. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been met.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** September 23, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** September 23, 2002

**REFERENCE NUMBER:** FS\CC\2002\SAV.02009

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Street and Alley Vacation #02009

**DATE:** August 15, 2002

**PROPOSAL:** To vacate Nighthawk Road west of N.W. 6<sup>th</sup> Street as shown on the final plat of Fallbrook Addition.

**LAND AREA:** 8,637.88 square feet, more or less.

**CONCLUSION:** The street vacation is consistent with the approved Special Permit #1808B; Fallbrook Community Unit Plan.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**LOCATION:** North of Fallbrook Blvd. and west of NW. 6<sup>th</sup> Street.

**APPLICANT:** James P. Abel, President  
NEBCO, Inc.  
1815 "Y" Street  
Lincoln, NE 68508  
(402) 434-1212

**OWNER:** same as applicant

**CONTACT:** same as applicant

### **SURROUNDING LAND USE AND ZONING:**

North: R-3 Residential

South: R-3 Residential and B-2 Planned Neighborhood Business District

East: R-3 Residential

West: R-3 Residential

**ASSOCIATED APPLICATIONS:** Final Plat #02034, Fallbrook 4<sup>th</sup> Addition.

### **HISTORY:**

**August 19, 2002** Special Permit 1808B for Fallbrook Community Unit Plan was approved by City Council.

**November 29, 2000** Fallbrook Addition Final Plat was approved by Planning Commission.

**January 24, 2000** Fallbrook Preliminary Plat and Special Permit was approved by the City Council.

**COMPREHENSIVE PLAN SPECIFICATION:** The 2025 Comprehensive Plan classifies Nighthawk Road as a local street.

**ANALYSIS:**

1. Nighthawk Road was originally dedicated with the approval of Fallbrook Addition. Special Permit 1808B of Fallbrook Community Unit Plan revised the street layout by eliminating Nighthawk Road west of NW 6<sup>th</sup> Street and adding a new street Blue Sage Blvd.
2. Currently there are three lots that abut Nighthawk Road, west of N.W. 6<sup>th</sup> Street. These are Lots 1 and 2, Block 13 and Lot 9, Block 12 of Fallbrook Addition. All three lots take access from an alley, therefore the requested street vacation will not leave these lots without access.
3. This request to vacate a portion of Nighthawk Road right-of-way is consistent with the Community Unit Plan and Fallbrook 4<sup>th</sup> Addition final plat.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Tom Cajka  
Planner

# **STREET & ALLEY VACATION NO. 02009**

## **CONSENT AGENDA**

### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

#### **BEFORE PLANNING COMMISSION:**

September 4, 2002

Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent agenda consisted of the following items: **COUNTY SPECIAL PERMIT NO. 196, CITY SPECIAL PERMIT NO. 1976, and CITY/COUNTY PRELIMINARY PLAT NO. 02014, VIEW POINTE NORTH; FINAL PLAT NO. 02008, PINE LAKE HEIGHTS SOUTH 4<sup>TH</sup> ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 02008; and STREET AND ALLEY VACATION NO. 02009.**

**Item No. 1.1a, County Special Permit No. 196; Item No. 1.1b, City Special Permit No. 1976; Item No. 1.1c, City/County Preliminary Plat No. 02014; and Item No. 1.3, Comprehensive Plan Conformance No. 02008,** were removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Steward and carried 9-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.  
Note: This is final action on the Pine Lake Heights South 4<sup>th</sup> Addition Final Plat No. 02008, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.







August 7, 2002

Lincoln City/Lancaster County  
Planning Commission  
Lincoln, NE 68508

RE: Vacating Nighthawk Drive west of the West Line of Northwest 6th Street


Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from James Abel, President of NEBCO, Inc. owner of Lots 1 and 2 Block 13, Lot 9, Block 12 and Outlots "R" and "T", all of Fallbrook Addition, to vacate the above described public right-of-way. The petitioner requests this vacation in order to replat the area into single family lots as part of the Fallbrook 4th Addition final plat. New right-of-way will be dedicated as part of this plat.

There are existing utilities in the area for vacation. It will be required that utilities be abandoned and removed as a condition of this vacation. This abandonment and removal will be required with the construction of improvements in the new right-of-way. Easements will be established with the new plat.

The Department of Public Works and Utilities recommends approval of this vacation with the above mentioned conditions. This vacation contains an area of 8,637.88 square feet, more or less.

Sincerely,

  
Byron Blum  
Engineering Services

cc: Mayor Wesely  
Allan Abbott  
Marvin Krout  
Marc Wullschleger  
Nicole Fleck-Tooze  
Roger Figard  
Joan Ross  
Clint Thomas  
Dana Roper

Nighthawk Vac Lincoln wpd

007

# RIGHT-OF-WAY VACATION EXHIBIT

BLOCK 12

OUTLOT "T"

OUTLOT "R"

60' PUBLIC STORM  
SEWER EASEMENT



BLOCK 14  
1

NW. 7TH  
STREET

OUTLOT "R"

BLOCK 13

BLOCK 13  
3

OUTLOT "O"

N 86°02'25" E  
142.47'

60.00'

Z 03°57'35" W

NICHITIAWK RD.

145.05'  
S 86°02'25" W

1 2

OUTLOT "M"

$\Delta = 2^{\circ}20'27"$   
 $R = 1470.00$   
 $L = 60.06$   
 $T = 30.03$   
 $C = 60.06$   
 $CB = S06^{\circ}25'35"E$

30'

N.W. 7TH

30'

SCALE: NTS

F:\Projects\20010577\YPLAT\dwg\VACATION.dwg 06/10/2002 10:03:47 AM CDT



**LEGAL DESCRIPTION  
RIGHT-OF-WAY VACATION**

A LEGAL DESCRIPTION FOR VACATION PURPOSES FOR A PORTION OF NIGHTHAWK ROAD RIGHT-OF-WAY, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2 BLOCK 13, FALLBROOK ADDITION, SAID POINT BEING ON THE SOUTH LINE OF NIGHTHAWK ROAD RIGHT-OF-WAY AND THE WEST LINE OF NORTHWEST 6<sup>TH</sup> STREET RIGHT-OF-WAY, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF SOUTH 86 DEGREES 02 MINUTES 25 SECONDS WEST ALONG THE NORTH LINE OF LOTS 1 AND 2 BLOCK 13, AND A NORTH LINE OF OUTLOT "R", FALLBROOK ADDITION, SAID LINE BEING THE SOUTH RIGHT-OF-WAY LINE OF NIGHTHAWK ROAD, A DISTANCE OF 145.05 FEET TO A SOUTHWEST CORNER OF SAID RIGHT-OF-WAY, THENCE NORTH 03 DEGREES 57 MINUTES 35 SECONDS WEST ALONG A EAST LINE OF SAID OUTLOT "R", SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00 FEET TO THE SOUTHWEST CORNER OF OUTLOT "T", FALLBROOK ADDITION, SAID POINT BEING A NORTHWEST CORNER OF SAID RIGHT-OF-WAY, THENCE NORTH 86 DEGREES 02 MINUTES 25 SECONDS EAST ALONG THE SOUTH LINE OF SAID OUTLOT "T", AND THE SOUTH LINE OF LOT 9 BLOCK 12 FALLBROOK ADDITION, SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 142.47 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9, SAID POINT BEING ON THE NORTH LINE OF NIGHTHAWK ROAD RIGHT-OF-WAY AND THE WEST LINE OF NORTHWEST 6<sup>TH</sup> STREET RIGHT-OF-WAY, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1470.00 FEET, ARC LENGTH OF 60.06 FEET, DELTA ANGLE OF 02 DEGREES 20 MINUTES 27 SECONDS, A CHORD BEARING OF SOUTH 06 DEGREES 25 MINUTES 35 SECONDS EAST ALONG THE WEST LINE OF NORTHWEST 6<sup>TH</sup> STREET RIGHT-OF-WAY, AND A CHORD LENGTH OF 60.06 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 8,637.88 SQUARE FEET OR 0.1983 ACRES, MORE OR LESS.

JUNE 10, 2002 (10:28AM)  
F:\Projects\20010577\YPLAT\dwg\ROWVAC.rtf

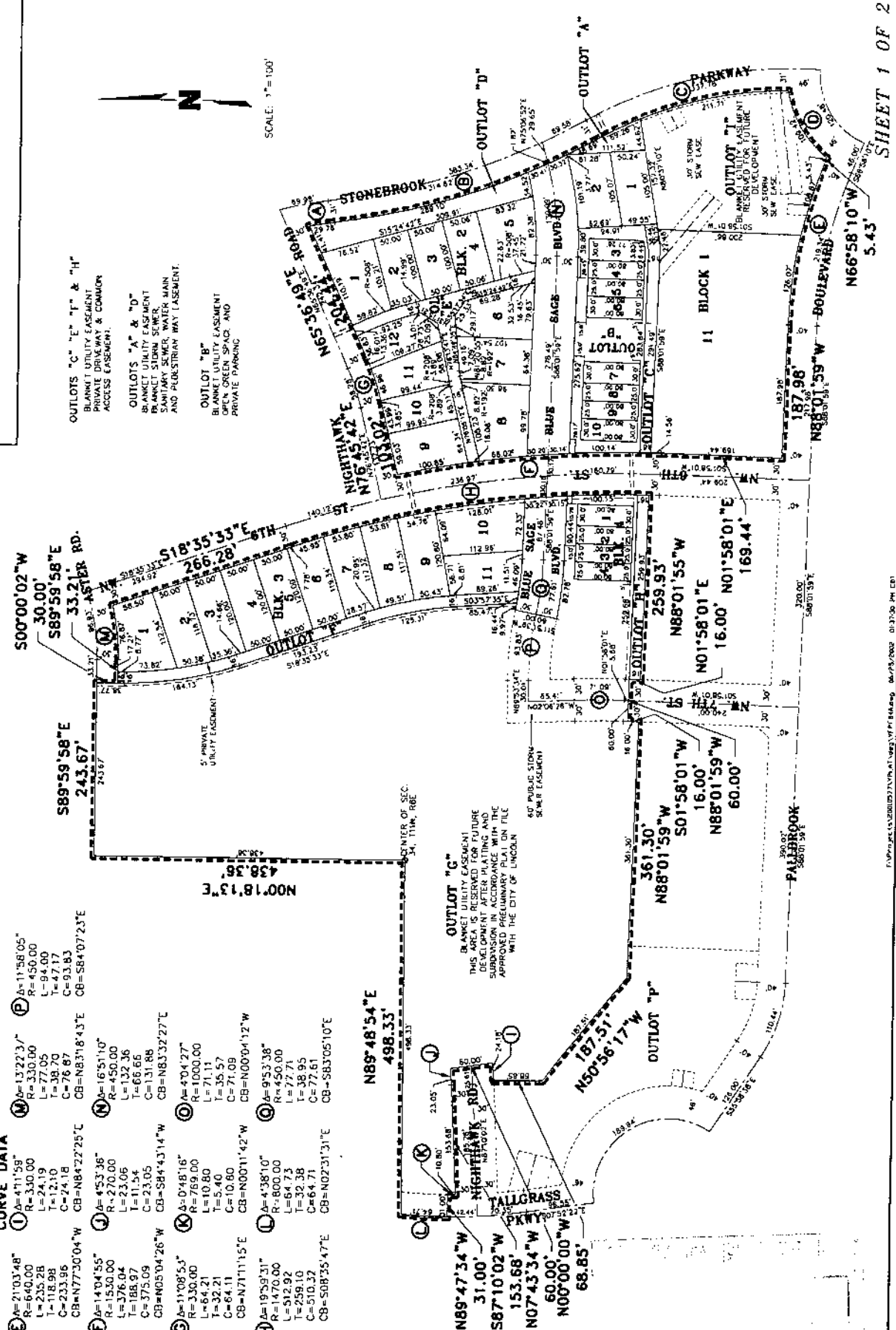
**FINAL PLAT**

THIS PLAT BASED UPON PRELIMINARY PLAT

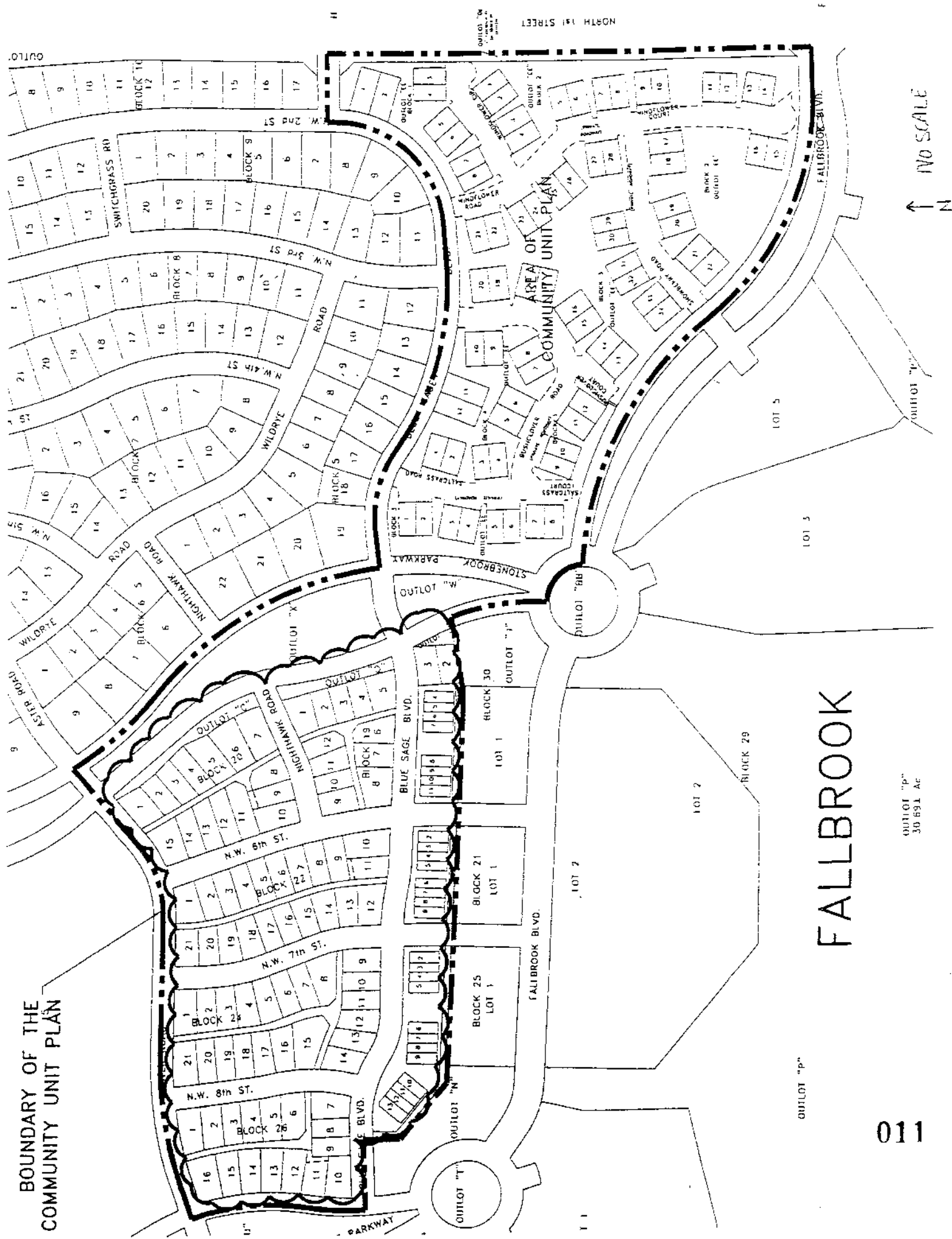
NO. 99023 FOR FALLBROOK ADDITION

**CURVE DATA**

- CURVE DATA**
- (E)  $\Delta = 21.0348''$   
R = 640.00  
L = 235.28  
T = 118.98  
C = 233.96  
CB = N77.5004°W  
CB = N84.2725°E
- (F)  $\Delta = 14.07455''$   
R = 1530.00  
L = 376.04  
T = 188.97  
C = 395.22  
CB = S174.922°E
- (G)  $\Delta = 22.0610''$   
R = 1031.00  
L = 357.68  
T = 201.34  
C = 395.22  
CB = S174.922°E
- (H)  $\Delta = 28.2519''$   
R = 569.00  
L = 262.26  
T = 144.10  
C = 279.37  
CB = S14.3943°E
- (I)  $\Delta = 11.08153''$   
R = 330.00  
L = 64.21  
T = 32.21  
C = 64.11  
CB = N71.1115°E
- (J)  $\Delta = 4.5336''$   
R = 270.00  
L = 23.06  
T = 11.54  
C = 23.05  
CB = S84.4314°W
- (K)  $\Delta = 0.4816''$   
R = 769.00  
L = 10.80  
T = 5.40  
C = 10.60  
CB = N00.1142°W
- (L)  $\Delta = 3.810''$   
R = 800.00  
L = 64.73  
T = 32.38  
C = 64.71  
CB = N07.3131°E
- (M)  $\Delta = 13.2213''$   
R = 330.00  
L = 77.05  
T = 36.70  
C = 76.87  
CB = N83.1843°E
- (N)  $\Delta = 16.5110''$   
R = 450.00  
L = 132.36  
T = 66.66  
C = 131.88  
CB = N83.3227°E
- (O)  $\Delta = 4.0427''$   
R = 1000.00  
L = 71.11  
T = 35.57  
C = 71.09  
CB = N00.0412°W
- (P)  $\Delta = 11.5805''$   
R = 450.00  
L = 94.00  
T = 47.17  
C = 93.83  
CB = S84.0723°E
- (Q)  $\Delta = 9.5338''$   
R = 450.00  
L = 77.71  
T = 38.95  
C = 77.61  
CB = S83.0510°E



# BOUNDARY OF THE COMMUNITY UNIT PLAN



## FALLBROOK

OUTLOT "P"  
30.691 Ac

011